

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.03 PP, Closed Area No. 17-D, Bustins Island, Freeport, to Moshier Island, Yarmouth, promulgated on May 4, 1993, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.03 PP, Closed Area No. 17-D, Bustins Island, Freeport.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the southeastern shore, flats and waters of Bustins Island, Freeport bounded by the southeast shoreline and a line beginning at the most southwestern tip of the island and running east-southeasterly to Bustins Ledge, then running north-northwesterly to a red post on the southeast shore of Bustins Island. This red post is located about half way between the southwest and the northeast ends of the island.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: December 29, 1994

AGENCY CONTACT PERSON: Robert D. Lewis
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State House Station #21
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PORTLAND PRESS HERALD
January 3, 1995

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.03 PP, Closed Area No. 17-D, Bustins Island, Freeport, to Moshier Island, Yarmouth, promulgated on May 4, 1993, and replaces it with a new rule. This new regulation decreases the size of the previous closure by opening all of the previous closure except for the southeast shores and waters of Bustins Island.

Department personnel have determined that most of Bustins Island, and all of Moshier, Little Bustins, Sow & Pigs, Pettingill, Williams, and Sister Islands are free of pollution and pollution sources and shellfish harvest may be permitted in their flats and surrounding waters without risk to public health.

Department personnel have also determined that an overboard discharge is located in the southwest quadrant of Bustins Island. Consequently the harvest of shellfish from this area must be prohibited to protect the public health.


E. PENN ESTABROOK
Deputy Commissioner

